
Public Notice

Applicant:
Town of Cheektowaga

Date:
Published: May 19, 2003
Expires: June 17, 2003

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District CELRB-TD-R RE: 94-976-30(3) Section: NY 404

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

The Town of Cheektowaga proposes to place fill into approximately 0.7 acres of Federal jurisdiction wetlands as part of the construction of a municipal golf course. The project site is an approximately 178 acre parcel located off of Sonwil Drive and Rehm Road in the Town of Cheektowaga, Erie County, New York.

The project consists of the following:

- a. Approximately 0.6 acres of wetland "W" will be filled for tee pads, a cart path and a portion of the fairway for hole no. 16. This wetland is a primary growth scrub- shrub/wooded wetland. Much of this portion of the wetland has reverted from upland in the past 5-8 years. A wetland delineation performed in 1993 and verified by the Corps of Engineers on January 30, 1995 showed much of the current impact area as upland forest. The reversion to wetland may be due to increased development adjacent to the project site and reduced drainage away from the site.
- b. Approximately 0.1 acre of wetland "B" will be filled for a portion of the hole no. 14 fairway. This area is also young successional wet woods. The area is characterized by green ash saplings, northern arrowwood in the shrub layer and black willow in the tree layer.

In addition, approximately 0.24 acres and approximately 1.46 acres of trees and shrubs will be removed above ground within the wetland for sight line clearance for hole no. 14 and hole no 16, respectively. The vegetative removal will not require any ground disturbance and will result in no discharge of dredged or fill material. No Department of the Army authorization is required for this portion of the project. The sight line clearance areas will not be mowed or graded and are anticipated to develop into wet meadow communities. These areas will be designated as no play and no retrieval areas in order to minimize impacts to the wetlands.

As mitigation for unavoidable impacts to approximately 0.7 acres of wetland, the applicant proposes to construct an approximately 0.63 acre emergent marsh adjacent to wetland "B" and two vernal pools within the boundary of wetland "W" which would be 0.41 acres and 0.43 acres in size. The vernal pools will be constructed in upland inclusion areas within the overall wetland. The purpose of the vernal pools is to enhance the existing habitat, particularly for amphibians such as chorus frogs and various salamander species. The vernal pools will be located in areas which are currently early successional woods. The emergent marsh will be constructed in an area that is currently upland old field.

The applicant had previously received authorization to construct a golf course on this site based upon a wetland delineation conducted in 1993. However, this authorization expired prior to commencement of work. The current action is based upon a more recent delineation which showed wetland area "W" to have expanded from approximately 11.6 acres to approximately 17.5 acres in size. The change in wetland size required the applicant to redesign the course to minimize overall wetland impacts.

The wetlands on the project site both flow into a series of previously modified stream channels and eventually into Scajaquada Creek.

The applicant's stated purpose is to construct a municipal golf course.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Steven V. Metivier, who can be contacted by calling (716) 879-4314, or by e-mail at: steven.v.metivier@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Steven V. Metivier, or by e-mail at: steven.v.metivier@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of

comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.